

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

105 SEP 28 P1:12
ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

From: Director of Health/Family Health Services Division/Maternal and Child Health Branch
Department/Division/Agency

Pursuant to § 103F-101(a) (4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):

The Service is for the Hawaii Community Foundation (HCF) to administer the grantmaking and distribution of funds for the Hawaii Children's Trust Fund (HCTF).

In accordance with Chapter 3-141, H.A.R., there is adequate basis for an exemption from procurement to directly contract with Hawaii Community Foundation to serve as the fiscal agent for the Hawaii Children's Trust Fund. The Hawaii Children's Trust Fund was established by Chapter 350B of the Hawaii Revised Statutes (see attached) to promote public-private partnerships and make grants to private non-profit organizations, public agencies, or qualified persons in order to provide community-based services and education designed to strengthen families to prevent child abuse and neglect. Chapter 350B H.R.S. designates the Hawaii Community Foundation as the fiscal agent responsible for the Hawaii Children's Trust Fund.

Chapter 350B H.R.S. also designates the Department of Health to serve as the lead agency for the public sector, in conjunction with the Hawaii Community Foundation to administer the Hawaii Children's Trust Fund. The unique community-based grantmaking structure of the Hawaii Children's Trust Fund fulfills the primary purpose of the federal Community-Based Child Abuse Prevention (CBCAP) Grant to further develop and enhance Hawaii's network of community-based family resource and support programs to strengthen families to prevent child abuse and neglect.

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|----------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------|
| Provider Name: Hawaii Community Foundation | Total Contract Funds: \$660,000.00 | Term of Contract: |
| Provider Address: 1164 Bishop Street, Suite 800 Honolulu, Hawaii 96813 | Contract Funds per Year (as applicable). | From: To: 09/15/05 09/30/07 10/12/05 NS |

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The CBCAP Grant requires the administering agency to develop a continuum of preventive, family centered, comprehensive services for children and families. The agency must demonstrate an ability to work with State and community-based public and private non-profit organizations. The agency must also have interdisciplinary structures with balanced representations from the private and public sector, parents, and the public and private non-profit service providers and individuals and organizations experienced in working in partnerships with children and families. The Hawaii Children's Trust Fund, a component of the Hawaii Community Foundation, is specified by state statute (Chapter 350B H.R.S.) to provide operational support (both financially and programmatic) and training and technical assistance needed to support the intent and implementation of this grant.

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Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The Hawaii Children's Trust Fund, a component of the Hawaii Community Foundation, was established by the Legislature to serve as a Statewide mechanism to maximize financial resources for community based services and education. The Hawaii Children's Trust Fund thus serves as a repository for federal and state funds, as well as private contributions from corporations and other businesses, foundations, individuals, and other interested parties.

A description of the state agency's internal controls and approval requirements for the exempted procurement:
The Contract agreement with HCF is reviewed by the Family Health Services Division's Public Health Administrative Officer and by the Department of Health's Administrative Services Office.

The Maternal and Child Health Branch, Family and Community Support Section, administers the contract agreement with HCF to implement the CBCAP grant. The scope of work is monitored for grantmaking procedures, which includes a review of criteria, guidelines, and evaluation. Participation in annual site-visits and a review of reports are also a requirement for the CBCAP Annual Report.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Family and Community Support Section, Supervisor, Maternal and Child Health Branch
Family and Community Support Section, Parenting Support Program Head, Maternal and Child Health Branch
Public Health Administrative Officer, Maternal and Child Health Branch
Accountant, Maternal and Child Health Branch
Public Health Administrative Officer, Family Health Services Division
Accountant, Family Health Services Division

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|----------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------|
| Direct questions to (name & position): Althea Momi Kamau, M.P.H., R.N. Chief, Maternal and Child Health Branch | Phone number: (808) 733-4044 | e-mail address: momi.kamau@fhds.health.state.hi.us |
|----------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------------------|

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☐

I certify that the information provided above is to the best of my knowledge, true and correct.


Department Head Signature

SEP 27 2005
Date

Chiyome Leinaala Fukino, M.D.
Typed Name

Director of Health
Position Title

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ Approved ☐ Denied


Chief Procurement Officer

10/12/05
Date

cc: Administrator
State Procurement Office

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
FAMILY HEALTH SERVICES DIVISION
MATERNAL AND CHILD HEALTH BRANCH
741-A SUNSET AVENUE
HONOLULU, HAWAII 96816
October 11, 2005

TO: Ruth Yamaguchi, Assistant Administrator
State Procurement Office

THROUGH: Althea Momi Kamau, M.P.H., R.N. *Althea*
Chief, Maternal and Child Health Branch

Loretta J. Fuddy, A.C.S.W., M.P.H. *Loretta*
Chief, Family Health Services Division

FROM: Mitzi Leblon, M.S.W. *Mitzi*
Supervisor, Family and Community Support Section

SUBJECT: Clarification of Request for Exemption PEH 06-12 from Chapter 103,
H.R.S., for Purchase of Service with Hawaii Community Foundation
(HCF) to Continue to Serve as Grant Maker for the Hawaii Children's
Trust Fund (HCTF)

Every year the Department of Health (DOH), Maternal and Child Health Branch (MCHB), receives federal funds via the Community-Based Child Abuse Prevention (CBCAP) Grant for the purpose of strengthening families to prevent child abuse and neglect. State statute (Chapter 350B H.R.S.) dictates that the Department of Health serve as the lead public agency to provide a continuum of preventive services in alignment with the CBCAP goals and objectives. Through entering into an agreement with HCF to assist in grantmaking CBCAP funds, the public-private partnership to work together towards fulfilling the program's family strengthening mandate is maintained as set forth in the statute.

The purpose of this memorandum is to clarify the Request for Exemption PEH 06-12. Each year new federal funding is received and is used to make new multi-year grants. It has worked best to have a new contract to govern each year's current, second and third year funding. A previous request was approved for FY 05 and 06 through 6/30/06. The reason the previous request was through 6/30/06 was in case all funding was not expended during the first year of the request. Request PEH 06-12 is also for funding for FY 06 with an expiration date of 09/30/07 in order to assure that sufficient funds will be available for second and third year funding of the multi-year grants. Please contact Mitzi at 733-4061 should you have questions.

HAWAII REVISED STATUTES
CHAPTER 350B
HAWAII CHILDREN'S TRUST FUND

[§350B-1] Definitions. As used in this chapter, unless the context clearly requires otherwise:

"Advisory committee" means the component of the Hawaii children's trust fund coalition that serves in an advisory capacity to the trust fund and the department of health.

"Board" means the Hawaii children's trust fund advisory board.

"Child abuse and neglect" has the same meaning as "child abuse or neglect" as defined in section 350-1.

"Coalition" means the Hawaii children's trust fund coalition.

"Primary prevention" means efforts targeting the general population designed to promote the general welfare of children and families prior to any occurrence of abuse or neglect.

"Secondary prevention" means efforts targeting children and families that are considered, because of their life situations, to be at risk of abuse or neglect.

"Trust fund" or "fund" means the Hawaii children's trust fund. [L 1993, c 336, pt of §2]

[§350B-2] Creation of the Hawaii children's trust fund. (a) There is established the Hawaii children's trust fund as a separate fund of the Hawaii Community Foundation, a Hawaii nonprofit corporation. Moneys received from the state, county, or federal government, and private contributions of cash and other property, and the income and capital gains earned by the fund shall constitute the trust fund assets.

(b) The Hawaii Community Foundation shall have the responsibility for the expenditure of moneys from the trust fund for the purposes of this chapter.

(c) The purpose of the trust fund is to strengthen families primarily by the award of grants for primary and secondary prevention activities to prevent child abuse and neglect.

(d) The fund may receive contributions, grants, or gifts in cash or otherwise from all sources. The legislature intends that the public and private sectors work together as partners in securing contributions for the fund. The State may donate moneys to the trust fund by legislative appropriation; provided that any appropriations made by the State are not intended to supplant the funding of existing prevention programs.

(e) There shall be an endowment component of the Hawaii children's trust fund.

(f) The aggregate principal sum deposited in the Hawaii children's trust fund, and any income and capital gains earned by the trust fund but not expended for grantmaking or administration, shall be invested in accordance with the provisions of the Hawaii Community Foundation in a manner intended to maximize the rate of return on investment of the trust fund consistent with the objective of preserving the trust fund's principal.

(g) The department of health shall serve as the lead agency for the public sector and, in conjunction with the Hawaii Community Foundation, may provide staffing for the board, the coalition, and advisory committee.

(h) Results of the annual audit of the Hawaii Community Foundation shall be submitted to the department of health not later than thirty days from the date the Hawaii Community Foundation receives the audit results. The Hawaii Community Foundation shall retain for three years all documents, papers, books, records, and other material pertinent to the fund and audit. The Hawaii Community Foundation shall permit the department of health, the department of accounting and general

SOCIAL SERVICES

[§350B-6] Hawaii children's trust fund advisory committee. (a) There shall be an advisory committee of the Hawaii children's trust fund coalition. The advisory committee shall provide leadership for the coalition. Members of the advisory committee shall be initially selected prior to December 1, 1993.

(b) The advisory committee shall perform the following functions:

- (1) Promote statewide planning and strategies for strengthening families with the intent of preventing child abuse and neglect;
- (2) Establish criteria and guidelines for grantmaking for the board;
- (3) Publicize the fund and solicit moneys from public and private sources, in collaboration with the board;
- (4) Advise the department of health on matters involving the prevention of child abuse and neglect; and
- (5) Facilitate the exchange of information between groups concerned with families and children.

(c) The advisory committee shall include private and public members. Public sector representation shall include the department of health, department of human services, department of education, office of youth services, and the judiciary. The coalition shall elect the private sector representatives, whose membership shall equal one more than the number of public sector representatives. [am L 1996, c 298, §5]

(d) Each member of the advisory committee shall have one vote, except that the representative of the department of health shall not vote on matters relating to advising the department of health. The advisory committee shall elect its officers. [L 1993, c 336, pt of §2]

[§350B-7] Grants. Grants provided for the strengthening of families, with the intent of preventing child abuse and neglect, may include, but are not limited to, the following:

- (1) Programs for families to increase the family unit's capability to create a healthy environment in which each member may develop to the member's fullest potential;
- (2) Programs for parents to increase their ability to provide a safe and nurturing environment for their children;
- (3) Programs for children to increase their ability to form healthy relationships, and to avoid and cope with dangerous situations;
- (4) Training and education for professionals, including making information about the problems of child abuse and neglect available to agencies dealing with these problems;
- (5) General community education to increase the community's awareness of the needs of families and children, and of the issues of child abuse and neglect and its prevention; and
- (6) Research, evaluation, and advocacy activities related to the prevention of child abuse and neglect. [L 1993, c 336, pt of §2]